

Judge William J. Musseman, Jr.
12/16/2020

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Case No. 18-CV-0298-CVE-JFJ

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RICHARD FELTZ, et al., :
On behalf of himself :
and all others :
similarly situated, :
Plaintiff :
VS :
BOARD OF COUNTY COMMISSIONERS :
OF TULSA COUNTY, et al., :
Defendants :
- - - - -X

Videotaped deposition of

JUDGE WILLIAM J. MUSSEMAN, JR.

taken via videoconference before Clifford Edwards,
Certified Shorthand Reporter and Notary Public, on
December 16, 2020, at 10:09 a.m.

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Exhibit 1

Judge William J. Musseman, Jr.
12/16/2020

102 to 105

<p style="text-align: right;">Page 102</p> <p>1 A All defendants?</p> <p>2 Q Yes.</p> <p>3 A No. No.</p> <p>4 Q Beyond these two documents, did you, as</p> <p>5 presiding judge, issue any other policy guidance</p> <p>6 related to the administration of the bond docket?</p> <p>7 A Policy guidance, no.</p> <p>8 Q Did you issue or create any training</p> <p>9 documents with regard to the administration of the</p> <p>10 bond docket?</p> <p>11 A There were training documents produced,</p> <p>12 but I think at a later time. At this time, I don't</p> <p>13 think so.</p> <p>14 Q Did you -- did your administrative chief</p> <p>15 at the time, which I believe was Judge Moody,</p> <p>16 produce any policy guidance for the judges that</p> <p>17 would be presiding over the bond docket with regards</p> <p>18 to AO-9 and 10?</p> <p>19 A Policy guidance, not that I know of. I</p> <p>20 just think counsel in discussion.</p> <p>21 Q And any training or -- any training</p> <p>22 documents that he might have issued with regard to</p> <p>23 AO-9 and 10?</p> <p>24 A No.</p> <p>25 Q Did you hold any meetings to explain with</p>	<p style="text-align: right;">Page 104</p> <p>1 administration of the bond docket during those</p> <p>2 meetings?</p> <p>3 A Wow.</p> <p>4 Q Let me -- I'll be narrower.</p> <p>5 Did you discuss what the evidentiary</p> <p>6 standards should be for anything he was considering</p> <p>7 during the administration of the bond docket?</p> <p>8 A I am sure we did. I don't -- under your</p> <p>9 definition or classification of evidentiary</p> <p>10 standard, I -- I don't know, but -- but I think</p> <p>11 there were conversations that would barely fall</p> <p>12 under that broad umbrella.</p> <p>13 Q Did you discuss with Judge Hiddle who he</p> <p>14 could hear evidence from during the administration</p> <p>15 of the bond docket?</p> <p>16 A Yes.</p> <p>17 Q And who did -- did you provide him with</p> <p>18 guidance as to who he could hear information from?</p> <p>19 A I tried, I thought.</p> <p>20 Q Okay. And who did you suggest that he</p> <p>21 could take information from for the purposes of</p> <p>22 making findings on the bond docket?</p> <p>23 A The defendant, his lawyer, State,</p> <p>24 whatever they had to present.</p> <p>25 Q Did you suggest that he could also take</p>
<p style="text-align: right;">Page 103</p> <p>1 all of the judges who would be presiding over --</p> <p>2 strike that.</p> <p>3 So my understanding is that after these</p> <p>4 were issued, there was a single judge that was going</p> <p>5 to preside over the bond docket; is that right?</p> <p>6 A Yes.</p> <p>7 Q And that was Judge Hiddle?</p> <p>8 A Yes.</p> <p>9 Q Did you have conversations with Judge</p> <p>10 Hiddle regarding the administration of the bond</p> <p>11 docket after issuing these two administrative</p> <p>12 orders?</p> <p>13 A Yes.</p> <p>14 Q How many times did you meet with Judge</p> <p>15 Hiddle to discuss administration of the bond docket?</p> <p>16 A I don't know.</p> <p>17 Q More than once?</p> <p>18 A Yes.</p> <p>19 Q More than five times?</p> <p>20 A I'm sure there was more than five</p> <p>21 meetings.</p> <p>22 Q More than ten times?</p> <p>23 A Now I don't know. Five to ten sounds</p> <p>24 like a fair estimate.</p> <p>25 Q And what did you all discuss about the</p>	<p style="text-align: right;">Page 105</p> <p>1 into account anything pretrial services shared</p> <p>2 during the administration of the bond docket?</p> <p>3 A I -- boy. I don't have that specific</p> <p>4 memory, but I can't imagine that I did not.</p> <p>5 Q What about any bail bondsmen in the room,</p> <p>6 did you suggest that he could take that as a part of</p> <p>7 the evidence he was considering for purposes of</p> <p>8 setting bond?</p> <p>9 A No. I don't think we ever discussed it.</p> <p>10 Q Okay. Did you discuss the ability of --</p> <p>11 did you discuss what findings he needed to make for</p> <p>12 purposes of setting bond when he was administering</p> <p>13 the bond docket?</p> <p>14 A I'm sure we did, yes.</p> <p>15 Q Did he --</p> <p>16 A And I --</p> <p>17 Q Go ahead.</p> <p>18 A I -- you probably know this, and I'm</p> <p>19 doing what you should never do in a deposition, but</p> <p>20 that is just offering information.</p> <p>21 The context of these conversations, it --</p> <p>22 these AO-9 and 10, back in that time, the idea that</p> <p>23 we were going to hit the ground running with a</p> <p>24 seven-day-a-week docket was -- I said it before --</p> <p>25 this in my estimation was going to be a process and</p>

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<p style="text-align: right;">Page 106</p> <p>1 not an event.</p> <p>2 AO-9 and AO-10 were not the end all, be</p> <p>3 all. They were the first step. I felt that we</p> <p>4 needed to move on it, and we needed to get started</p> <p>5 and make corrections and -- you know, course</p> <p>6 corrections and improvements once we got the docket</p> <p>7 started. So this was going to evolve into what it</p> <p>8 is today.</p> <p>9 The conversations then, based upon that</p> <p>10 backdrop of information, the conversations I had</p> <p>11 with Judge Hiddle were logistical. How many people</p> <p>12 are we able to do in a day? Are you able to hear</p> <p>13 what they have to say? Are you limited by what they</p> <p>14 want to say or present to you by time? Are there</p> <p>15 ways that we could improve this docket? Do you need</p> <p>16 more time? Do we need to start it at a different</p> <p>17 time? Do we need to break it out?</p> <p>18 And we would reference back -- one of the</p> <p>19 things we did to kind of try to train ourselves to</p> <p>20 get ready for this was -- in -- in addition to</p> <p>21 meetings, was observations. I had gone with Judge</p> <p>22 Hiddle and also the public defender to Oklahoma</p> <p>23 County to watch and observe the way they did a bond</p> <p>24 docket.</p> <p>25 So that builds at least, I think, a fair</p>	<p style="text-align: right;">Page 108</p> <p>1 A I believe I did. I -- I told him on the</p> <p>2 minutes -- by minute.</p> <p>3 Q So earlier we talked about the bond</p> <p>4 reduction hearings that you held as a district court</p> <p>5 judge on a felony docket.</p> <p>6 Did you suggest to Judge Hiddle that the</p> <p>7 same types of findings should be made in -- on the</p> <p>8 bail docket?</p> <p>9 A I didn't use me as an example.</p> <p>10 Q Was your expectation that Judge Hiddle</p> <p>11 would make findings -- well, let me take one step</p> <p>12 back.</p> <p>13 Is there -- did you discuss having a</p> <p>14 court reporter in the room with Judge Hiddle during</p> <p>15 the bond docket?</p> <p>16 A Not that I remember.</p> <p>17 Q Okay. So earlier when we spoke about the</p> <p>18 bond hearings that you held in your courtroom, you</p> <p>19 mentioned that when you did not have a court</p> <p>20 reporter, you made sure that the clerk entered</p> <p>21 certain minutes into the written record.</p> <p>22 Do you remember that discussion?</p> <p>23 A I remember that discussion.</p> <p>24 Q Did you instruct Judge Hiddle as to the</p> <p>25 types of things that needed to be entered into the</p>
<p style="text-align: right;">Page 107</p> <p>1 backdrop of information for you to understand, at</p> <p>2 least the context and the time that I was meeting</p> <p>3 with Hiddle. It was very logistical driven. I --</p> <p>4 we had a lot of people to get through, and there</p> <p>5 were times he had frustration that he wasn't able to</p> <p>6 get to the information he wanted, or how could he</p> <p>7 get the information he wanted in a timely manner</p> <p>8 knowing there's 70 people on the docket?</p> <p>9 Q That makes complete sense to me. And I</p> <p>10 appreciate that a number of these conversations</p> <p>11 dealt with logistics. I'm trying to determine if</p> <p>12 there was anything else, specifically the categories</p> <p>13 I'm going through, that you discussed with him</p> <p>14 beyond just those logistical things.</p> <p>15 So, for instance, did you discuss with</p> <p>16 Judge Hiddle how to make findings after having made</p> <p>17 a determination on what the bond amount should be?</p> <p>18 A I have no independent recollection of</p> <p>19 that, but I can't -- I -- I'm sure I did. I'm sure</p> <p>20 he had questions.</p> <p>21 Q Do you recall what you said to him?</p> <p>22 A No.</p> <p>23 Q And did you discuss with Judge Hiddle how</p> <p>24 those findings should be memorialized in the docket</p> <p>25 or a written record?</p>	<p style="text-align: right;">Page 109</p> <p>1 minute record for a given bond docket hearing?</p> <p>2 A We talked about the minutes, and that is</p> <p>3 the extent of my memory.</p> <p>4 Q So you don't recall whether you</p> <p>5 instructed him to provide certain things as a part</p> <p>6 of the written record?</p> <p>7 A I do not.</p> <p>8 Q Okay. All right. At some point, Judge</p> <p>9 Hiddle -- I actually have this date -- was replaced</p> <p>10 by Judge Guten on the bond docket, I believe perhaps</p> <p>11 at the end of 2019, 2020.</p> <p>12 Does that sound right?</p> <p>13 A It wasn't 2020. I thought -- yeah, '19,</p> <p>14 I think.</p> <p>15 Q You're right. You're right. You have --</p> <p>16 you have absolutely corrected me correctly.</p> <p>17 A Okay.</p> <p>18 Q I believe maybe it was early in 2019.</p> <p>19 A Yeah.</p> <p>20 Q Does that sound more correct?</p> <p>21 A Yeah. Yeah.</p> <p>22 Q Okay. So Judge Hiddle was the presiding</p> <p>23 judge over the bond docket from when it was</p> <p>24 established in October of 2018 until -- would around</p> <p>25 February 2019 sound about right to you?</p>